



Planning Committee Report

Application Number: 2023/7893/PIP
Location: Land To North Of 14 Longcroft Lane Paulerspury
Development: Permission in principle for proposed development of 2-4 self/custom-build dwellings.

Applicant: Mr Will Lombard
Agent: Fernhill Estates Ltd
Case Officer: James Paterson

Ward: Deanshanger

Reason for Referral: This application was called-in by Councillor Barter due to concerns relating to highways matters.

Committee Date: 7 March 2024

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT BE GIVEN DELEGATED POWERS TO GRANT PERMISSION IN PRINCIPLE FOR THE DEVELOPMENT

Proposal

Permission in principle for proposed development of 2-4 self/custom-build dwellings.

Consultations

The following consultees have raised **objections** to the application:

- WNC Local Highways Authority, Paulerspury Parish Council, National Highways

The following consultees have raised **no objections** to the application:

- WNC Archaeology

No consultees are **in support** of the application:

Two letters of objection have been received and no letters of support have been received.

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Paragraph 012 of the Planning Practice Guidance in respect of Permission in Principle states that "The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details

consent stage”.

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1 APPLICATION SITE AND LOCALITY

- 1.1 The application site is comprised of just under 0.3 hectares of agricultural land located in the north of Paulerspury. The site is a modest field used for the grazing of animals and is bounded by other agricultural fields to the north and east from which the application site is separated by modest fencing and planting. To the west lies Longcroft Lane which is a narrow single-track road with high hedges either side, including those abutting the application site. Longcroft Lane connects Paulerspury to the A5; although this is not the primary route from the village to the A5, it serves as a shortcut to parts of the village. To the south of the site lies post-war housing, including 12 Longcroft Lane which was erected approximately ten years ago. Access to the site is achieved from Longcroft Lane via a modest timber gate which is contiguous with the gate of 12 Longcroft Lane

2 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 This application seeks permission in principle for the erection of between two and four self-build or custom-built dwellings on the site. No additional detail has been submitted or is necessary as part of this application.
- 2.2 Planning officers note that the application accords with the criteria under which a permission in principle can be sought, as set out in Part 2A of The Town and Country Planning (Permission in Principle) Order 2017 (as amended).

3 RELEVANT PLANNING HISTORY

- 3.1 The following planning history is considered relevant to the current proposal:
- 3.2 WNS/2022/1947/PIP - Land to North Of 14 Longcroft Lane Paulerspury - Application for permission in principle for development of 2 - 4 houses - Appeal Dismissed (Against Refusal)
- 3.3 It should be noted that this application is identical to the above application which was refused at committee and subsequently dismissed at appeal. However, the Planning Inspector considered that highways matters were more appropriately dealt with at the Technical Details Stage; therefore, highways matters should not form a reason for refusal at permission in principle stage. Highways matters were the sole basis for the Council's decision to refuse the application. Rather the appeal failed due to an issue with regard to the description of development which did not specify that the proposed dwellings would be self-build dwellings. The Planning Inspector was therefore obliged to determine the appeal as if it were market housing being proposed which resulted in

the LH5 exemption not being triggered as part of their assessment. The appeal decision made clear that if the description of development were amended then there would be no grounds for refusing the application. The appeal decision has been attached as **Appendix 1**.

4 RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

4.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

4.2 Development Plan

4.3 The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029 and the adopted South Northamptonshire Local Plan (Part 2). The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

4.4 The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development
- S10 – Sustainable Development Principles
- H1 - Housing Density and Mix and Type of Dwellings
- C2 - New Developments
- R1 – Spatial Strategy for the Rural Areas

South Northamptonshire Local Plan (Part 2) (LPP2)

4.5 The relevant policies of the LPP2 are:

- SS1 - The Settlement Hierarchy
- SS2 - General Development and Design Principles
- LH1 - Residential Development Inside and Outside Settlement Confines
- LH5 - Self and Custom-Built Homes
- HE2 - Scheduled Ancient Monuments & Archaeology

Material Considerations

4.7 Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Supplementary Planning Guidance

5 RESPONSE TO CONSULTATION

5.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Position	Comment
National Highways	Objection	<p>“We were previously consulted in 2023 regarding application WNS/2022/1947/PIP for a similar proposal at the same location. Having reviewed the application, our response noted that:</p> <p>The ‘Permission in Principle’ process has two stages, the first stage establishes whether a site is suitable in principle and the second stage (technical details consent) is when the detailed development proposals are assessed.</p> <p>National Highways’ concern will be the impact of the proposed development on the A5, the closest part of the SRN. The covering letter submitted by Fernhill Estates does not mention access. However, given the location of the site traffic is likely to travel along Longcroft Lane to its junction with the A5. At this point Longcroft Lane is only wide enough for one vehicle, meaning that those wishing to turn off the A5 would need to wait on the carriageway, thereby potentially interrupting the flow of traffic and adversely affecting the visibility of drivers wishing to exit onto the A5.</p> <p>Additional supporting information should therefore be provided, assessing the potential impact on the operation of the A5/Longcroft Lane junction, including issues such as visibility splays and swept paths, as well as the accident history.</p> <p>National Highways therefore could not support permission in principle for this development, since insufficient information has been provided to enable us to determine the impact on the safety and continued operation of the A5. It is noted that the application was refused planning approval by WNC and a subsequent appeal was dismissed. Having reviewed the current application, no information has been provided regarding the expected impact on traffic movements in the area. Therefore, our previous concerns regarding the potential impact at the A5/Longcroft Lane junction have still to be addressed.</p> <p>Additional supporting information should therefore be provided, assessing the potential impact on the operation of the A5/Longcroft Lane junction, including issues such as visibility splays and swept paths, as well as the accident history.</p> <p>National Highways therefore cannot support permission in principle for this development, since insufficient information has been provided to enable us to determine the impact on the safety and continued operation of the A5.</p>
Paulerspury Parish Council	Objection	<p>Permission in Principle has to establish that a site is suitable in principle. West Northamptonshire Joint Core Strategy (JCS) Policy S1 in the main seeks to limit new development in the rural areas with emphasis being placed on enhancing and maintaining the vitality of rural communities, shortening journeys and facilitating access to employment and services. Policy H1 states that housing developments will be expected to make the most efficient</p>

use of land and have regards to certain considerations.

Location and Setting

This site lies outside the recently reviewed village confines. Hedgerow cover is poor in winter and will result in the proposed development being visible from a number of viewpoints looking inwards at the village. The dwellings will have rear gardens backing onto open countryside which is not a positive outward looking approach. Rear gardens with all their domestic additions do not provide for an attractive or sympathetic rural edge. It would adversely impact the rural setting of the village and would result in a harmful visual intrusion of development into the landscape and open countryside.

National Highways have demonstrated their wish to prevent entry to Longcroft Lane from the A5 due to the dangers to motorists in executing that manoeuvre by not signposting the existence of this lane.

Existing character

By stating that there are no heritage features that will be impacted by the proposed development the applicant clearly has either not looked at the site in great detail or is dismissive of our heritage assets. Longcroft Lane is a sub standard single track Ancient Hollow Way with no footpaths and no passing places which makes this section of the narrow lane unsafe for pedestrians, cyclists and other users.

Unavoidable damage would therefore be done to the verges and the inadequate road as a result of the heavy delivery vehicles and those of the construction workers who would not have parking spaces. A new opening into the Hollow Way would be required should this PIP be approved. Paulerspury Parish Council is determined to preserve these ancient highways as part of our heritage and individuality. Villages such as ours with these ancient and rare characteristics are important to the county as a whole. Hopefully this desire will be respected by the Planning authorities.

Land use

Once a small development has been permitted it would then not be unreasonable to think that further development of this field would be proposed in the not too distant future. Whereas the quality of the land may not currently be the highest in the country it would be a further loss of land to agricultural use for ever. Development of a green field site outside of the village boundaries is contrary to the Local Plan. The Development Plan, by law, should be the basis for decision making. The proposed development would therefore conflict with WNC policies and Government guidance in the National Planning Policy Framework

Para 38 of the NPPF requires that developments improve the economic , social and environmental conditions of the

area

The likelihood of employment in the village is negligible thus requiring travel to places of employment by private car since there is no daily bus service through the village nor connections to such as Northampton or Milton Keynes where employment may be sourced. A supported service on a Tuesday provides limited shopping time but does not provide an adequate service for those working or attending education establishments. This bookable service will remain only as long as financial support is in place, so cannot be regarded as a permanent feature to the overall transport provision. The proposed development would be sited in an unsustainable location with poor access to services and facilities and therefore future residents would be highly reliant on the private car to meet their day to day needs which would not reduce the need to travel resulting in increased car journeys and hence carbon emissions. The proposed development would therefore conflict with Government guidance in the National Planning Policy Framework. This application, when assessed, conflicts against the National Planning Policy Framework as a whole.

The most sustainable locations for growth in the District are considered to be Towcester, Brackley and Northampton and the larger villages.

Local Landscape Protection and Enhancement

The Government attaches great importance to the design of the built environment within the NPPF. It goes on to note that planning decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside. It also states that development should function well and add to the overall quality of the area and be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Fernhill Estates Ltd state on their website –

“You will find that our developments seek to deliver a number of community benefits including; sports pitches, open space, community orchards and allotments. We proudly believe that any development should preserve and enhance the character of the settlement and we seek to identify any community needs at the outset. Typically, all of our sites are built by small local builders who understand the local vernacular, character and materials of the areas we operate in. We always look to support our local trades people who we work with closely to ensure we are able to provide high quality, bespoke homes.”

Is Paulerspury Parish Council to understand that this is a true representation of “Self Build”. It rather seems as though a site is found and then constructed on behalf of “self builders” gleaned from the register held at the council. Can the council be confident that there are sufficient applicants on the Self Build list wishing to build in

		<p>Paulerspury that would be adequately qualified to be actively party to the construction of these properties should this application be approved.</p> <p>This application continues to fail on all counts as listed. Paulerspury Parish Council therefore OBJECTED to this application.</p>
WNC Archaeology	No Objection	<p>The application site is located to the north of one of the 5 medieval settlement cores that make up the modern village. The site is positioned along a medieval/post-medieval holloway and current records indicate a potential iron working site adjacent to the site in the north. The site therefore has potential to contain heritage assets of archaeological interest. I do not anticipate this to represent an absolute constraint to the development of the site, but archaeological evaluation and/or mitigation measures are likely to be appropriate to inform any forthcoming application in line with NPPF Para. 200. I will be pleased to receive further consultation in due course.</p>
WNC Local Highways Authority	Objection	<p>In respect of the above planning application, the local highway authority (LHA) notes it has previously reviewed and commented on an application for this site and objected due to the following highway safety issues.</p> <ul style="list-style-type: none"> • Longcroft Lane reduces down to a single carriageway just passed number 14, it then remains as such until its junction with the A5. There are no passing places along its length or the ability for opposing vehicles to pass each other including at the junction with the A5; this may result in vehicles sitting stationary on the A5 while a vehicle exits Longcroft Lane. To this end the LHA suggest the LPA additionally consult National Highways as this is an intensification of use of an un-signposted substandard access onto a main Trunk Road. • The proposed access would be sighted within a 60mph speed limit zone with challenging vehicular visibility available. • Vehicles attempting to pass each other along this single carriageway section of Longcroft Lane will also cause damage to the highway verges. • Further intensification of use will bring additional vehicles in conflict with pedestrians using PROW RU21 (please see attached) <p>The LHA remain in the view that due to the proximity of the proposed dwellings to the A5 this will encourage residents of these dwellings to use this direct route; as detailed above due to both the substandard road and junction width, the LHA object on highway safety grounds.</p>

6 RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

6.1 There have two number of objections raising the following comments:

- Highway Safety
- Visual Impact

7 APPRAISAL

Scope of This Application

- 7.1 The Planning Practice Guidance advises that the scope of a decision on whether to grant permission in principle is limited to location, land use, and amount of development. All other matters are deferred to a subsequent Technical Details Consent stage. The following assessment therefore focuses on these three criteria.

Land Use

- 7.2 Policy SS1 of the South Northamptonshire Part 2 Local Plan 2011-2029 states that proposals for new development will be directed towards the most sustainable locations in accordance with the District's settlement hierarchy. It also states that new development should be within the settlement boundaries of first, second, third and fourth category settlements, as defined on the proposals maps, in accordance with their scale, role and function unless otherwise indicated in the local plan.
- 7.3 Policy LH1 of the South Northamptonshire Part 2 Local Plan 2011-2029 sets out the criteria for residential development being acceptable both within and without defined settlement boundaries.
- 7.4 Policy LH5 of the South Northamptonshire Part 2 Local Plan 2011-2029 states that proposals for custom build sites immediately adjoining the confines of Rural Service Centres, Primary, Secondary (A and B) and Small Villages will normally be permitted where they help to meet demand as demonstrated by Part 1 of the council's Self and Custom Housebuilding Register and is compliant with other policies of this plan. The policy also states that proposals for two or more self or custom build sites immediately adjoining the confines of Rural Service Centres, Primary or Secondary Villages (A) will normally be permitted where they help to meet demand as demonstrated by part 1 of the council's Self and Custom Housebuilding Register. The policy also sets out controls that will be in place to ensure the development is used as self or custom-built dwellings.
- 7.5 The site is located immediately adjacent to the settlement confines of Paulerspury, which is a Secondary Service Village (Category A) in the third tier of the settlement hierarchy established by Policy SS1 of the Part 2 Local Plan. Officers are satisfied that the application site 'immediately adjoins' Paulerspury since the site is contiguous with the settlement boundary. Furthermore, access to the site is achieved via a gate immediately adjacent to the access to 12 Longcroft Lane and therefore the site clearly relates to the village. Therefore, this part of Policies LH1 and LH5 are met by the development proposal.
- 7.6 However, in order to fully meet the requirements of LH1 and LH5, the proposal needs to meet an identified requirement demonstrated on Part 1 of the council's Self and Custom Housebuilding Register. Officers have therefore reviewed Part 1 of the Council's register and note that in excess of four people have submitted their locational preference for which this site would fulfil their criteria. Officers therefore consider that the proposed development is capable of complying with the criteria of Policy LH5 in respect of meeting a demonstrable need for custom and self-built housing. Officers have also had regard to the material consideration that is the overall supply of plots in the legacy South Northamptonshire area and it is noted that the Self-Build monitoring

report shows that in 2021/2022, there were 53 entrants registered and 55 plots granted consent. Furthermore, during Base Period 8 59 entrants were added to the register whilst 76 plots were permissioned. Officers note that the demand is consistently being met well within the statutory time limit of three years; and whilst it is acknowledged that not all consented plots will be occupied by those on the register, there is nonetheless a clear oversupply of such housing across the area. However, officers do not consider that this overall oversupply is sufficient to substantiate refusing this application since this is a material consideration whereas the test in Policy LH5 relates to specific need local to Paulerspury which this development would help meet. This is a test resulting from the policy itself while the overall supply in the local plan area is only a material consideration and is therefore afforded less weight.

- 7.7 Without a legal agreement, the Council could not be satisfied that the development would comprise genuine custom/self-build plots for occupation by individuals demonstrating a local connection and having ongoing involvement in the design and build process which would lead to the development conflicting with Policies LH1 and LH5 of the South Northamptonshire Local Plan (Part 2). However, the Planning Practice Guidance is clear that legal agreements cannot be sought at permission in principle stage although they may be used in granting technical details consent. The application has therefore been assessed on the basis of the development being specifically for custom/self-build in the description, with the understanding that a legal agreement binding the development as custom/self-build would have been sought as part of technical details consent had this recommendation been to approve. For the avoidance of doubt, the Council would refuse technical details consent if such an agreement was not forthcoming.
- 7.8 The proposed residential land use is therefore acceptable and the proposal accords with Policies SS1, R1, LH1 and LH5 in this regard

Location

- 7.9 Policy SS2 of the South Northamptonshire Part 2 Local Plan 2011-2029 sets out general principles and criteria for high quality development. Where development proposals contravene any of the criteria of relevance to that proposal, they will be refused unless outweighed by other material considerations. The policy also states that the use of design codes, masterplans or planning briefs will be considered for multi-phased developments to ensure consistency of design approach. Planning permission will be approved where developments include a safe and suitable means of access for all people (including pedestrians, cyclists and those using vehicles). Developments must also take into account existing or planned social and transport infrastructure to ensure development is adequately served by public transport or is in reasonable proximity to a range of local facilities which can be reached without the need for private car journeys.
- 7.10 Policy R1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) sets out the spatial strategy for rural areas. The policy specifies that development in rural areas will be guided by the rural settlement hierarchy and sets out a list of criteria that will be considered when considering development proposals in rural areas. It also lists a set of requirements for residential developments in rural areas; of particular note is R1(b) which states that residential development in rural areas will be required to not affect open land which is of particular significance to the form and character of the village.
- 7.11 Policy C2 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) requires development to mitigate its impacts on highway.

- 7.12 Policy HE2 of the South Northamptonshire Part 2 Local Plan 2011-2029 states that development that would harm archaeological remains or their settings, whether scheduled or not will not be permitted except in wholly exceptional circumstances where a clear and convincing justification can be demonstrated. Development that would harm locally important archaeological remains or their settings will only be permitted where the public benefits of that development are significant and can be demonstrated to outweigh the harm to the archaeological interest of the asset and its setting.
- 7.13 Paragraph 115 of the NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.14 In considering the principle of dwellings on this site in terms of their design, officers note that the land use is acceptable in principle according to Policies LH1 and LH5. However, the location of the site also needs to be considered in design terms and other location-specific issues such as highways, landscape and heritage impacts.
- 7.15 Paulerspury clearly follows a lineated village form with the village being largely bearing a strong relationship with the arterial routes through the village, most notably the High Street but also to a lesser extent the road which branch off from this street including Longcroft Lane where residential post-war development has taken place on both sides of this lane. Officers note that the fields between the village and the A5 form an important part of the rural setting of the village and thereby inform a significant part of its special character. Furthermore, officers have had regard to the interesting character of Longcroft Lane where it leaves the village boundary and narrows slightly and is enclosed by tall hedges with border both sides of the lane. Officers have also had particular regard to the pattern and scale of the hedgerow network surrounding the site since this informs a large part of the character of the landscape around the village and reinforces the relationship between land use and grain of the landform.
- 7.16 In considering the principle of dwellings on this site in terms of their design, officers note that the land use is acceptable in principle according to Policies LH1 and LH5. In any case, officers do not consider that residential development on this site would be contrary to the prevailing grain of development since it would represent a continuation of the linear form of the village and follow the pattern set out by the northwards development of post-war housing to the south. Officers have also carefully considered the impact of the proposal on the wider rural setting of the village and the potential of the proposal to introduce an unacceptable sense of creeping urbanisation of the open countryside. However, officers note that there would still be large fields to the north, west and east of the site which would still offer a good degree of separation from the A5 and other aspects of built form. Therefore, it is considered that the proposal would not unacceptably erode the rural character of the site and the proposal would therefore be acceptable in this regard. Furthermore, it should be noted that a sensitively designed and carefully considered scheme would still have still been required at the technical details consent stage had this recommendation been to approve and the Council would still be able to resist a poorly designed scheme. This would include ensuring the proposal would sit comfortably on the site and would not give rise to harm to the special character of the village.
- 7.17 In terms of neighbouring amenity, the size and position of the site will allow for the separation distances advocated by the Design Guide to be achieved in respect of dwellings to the south and west.

- 7.18 Officers note that the principal route out of the village for future occupants of the proposed development would be via the High Street to the south on which the development would likely have a negligible impact. However, officers note that the site would be immediately adjoining Longcroft Lane which connects the northern part of the village with the A5. The lane narrows into a single-track unlit lane with high hedges either side and with limited passing opportunities between the site and A5. Given that this lane would be the shortest route to the A5, an important trunk road, officers consider that it is reasonable to expect that any future occupants would make use of this lane on a frequent basis. It was on this basis that the Council refused the previous application for permission in principle on this site (WNS/2022/1947/PIP).
- 7.19 As part of the previous application, planning and highways officers raised concern that the proposed development would give rise to highways safety concerns since the development would increase the likelihood that vehicles could become stationary on the A5 while attempting to access Longcroft Lane due to the potential for a single vehicle to block any access to the lane. Vehicles could also come into conflict with each other since the speed limit is 60mph on the lane with no passing points. Finally, vehicles could come into conflict with pedestrians attempting to use the public right of way (RU21), which opens out onto the lane near to the junction with the A5 and from which there is poor visibility. Furthermore, officers note the objections of both the Local Highways Authority and National Highways who are both statutory consultees and technical experts on highways matters and who have objected to this application as they had on the previous application.
- 7.20 However, the appeal decision relating to that refusal (**Appendix 1**) dealt with highways matters. It was the view of the Planning Inspector that:

Being limited to no more than 4no. dwellings, traffic movement generated by a scheme of this size is unlikely to be significant or the residual cumulative impacts severe. Moreover, at any TDC stage it would be open to the decision-maker to consider specific details of the scheme including means of access, layout of any internal access routes and visibility splays.

The limited information provided with the appeal application is commensurate with the nature of the PiP stage process, which purely seeks to determine whether the location, land use and amount of development is acceptable in principle. These highways aspects are more appropriately determined as part of the TDC stage, and there can be no guarantee that just because the PiP has been granted, that the TDC will follow. It takes approval of both stages for a planning permission to be secured. Thus, whilst I accept that there is limited information provided to indicate that a safe and suitable access can be delivered, these details would come forward as part of a TDC application in any event.

For the above reasons, I conclude that the location of the site is appropriate having regard to highway safety. I find no conflict with Policy SS2 of the SNLP or Policy C2 of the West Northamptonshire Joint Core Strategy (CS). Collectively, these support developments which provide for a safe and suitable means of access for all and to mitigate its impacts on highway. Nor do I find conflict with the National Planning Policy Framework (the Framework) which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 7.21 Therefore, while officers have their own reservations relating to highways safety as do the relevant statutory consultees, this decision must be consistent with the view of the

Planning Inspector for the previous application on the site which was substantially similar to the development subject of this application. It should be noted that this appeal decision is afforded significant weight in determining this application. Therefore, officers recommend that this application is not refused on the basis of these highways concerns since these matters would be dealt with at the technical details consent stage where additional information relating to highways safety and further consideration of this matter would take place.

- 7.22 The site includes an area with potential underground heritage assets. However, having sought internal specialist advice, officers are satisfied that this would not preclude the development of the site and any subsequent technical detail consent could be appropriately conditions to ensure the proposal does not give rise to unacceptable archaeological impacts.
- 7.23 The site is in flood zone 1 and is not subject to any other designation or constraint that would indicate the location is not supportable in principle for the proposed development.
- 7.24 Having considered the above, the proposal is acceptable in terms of its location and would to comply with Policies SS2, C2, HE2 and R1 as well as paragraph 115 of the NPPF.

Amount

- 7.25 Policy R1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) sets out the spatial strategy for rural areas. The policy specifies that development in rural areas will be guided by the rural settlement hierarchy and sets out a list of criteria that will be considered when considering development proposals in rural areas. It also lists a set of requirements for residential developments in rural areas which includes requiring development to be of an appropriate scale to the existing settlement.
- 7.26 Policy SS2 of the South Northamptonshire Part 2 Local Plan 2011-2029 sets out general principles and criteria for high quality development. Where development proposals contravene any of the criteria of relevance to that proposal, they will be refused unless outweighed by other material considerations. The policy also states that the use of design codes, masterplans or planning briefs will be considered for multi-phased developments to ensure consistency of design approach. The policy requires development to use a design-led approach to demonstrate compatibility and integration with its surroundings and the distinctive local character of the area in terms of type, scale, massing, siting, form, design, materials and details.
- 7.27 Policy H1 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) Housing states that developments will be expected to make the most efficient use of land having regard to the considerations set out in the policy. While the delegated report and third reason for refusal did not refer to Policy H1, the Council contends that it is relevant to this appeal and should be considered as part of any decision since it deals with density in residential developments.
- 7.28 In terms of the amount of development, Permission in Principle can only be sought for minor development (nine dwellings or fewer in the case of residential proposals). Applicants are required to specify a lower and upper limit of the development they are seeking Permission in Principle for. In this case between two and four dwellings are sought.

- 7.29 Officers also note that no details have been provided as to how many bedrooms would be provided for each new dwelling which would provide flexibility in terms of the scale and density of the dwellings at the technical details stage. While the proposal would have a low density if the whole site were to be developed, particularly for two houses, which would likely not be acceptable in planning terms given that this would make an inefficient use of land for development and would be counter to the prevailing character of the area, officers are satisfied that between two and four dwellings could be accommodated on the site at an appropriate density, to be finalised at the technical details stage.
- 7.30 Officers are of the view that two to four dwellings would not be of a significant enough size that substantial new infrastructure would be required to support them, as per Policy LH1, noting that this aspect of the policy is nevertheless actually only applicable to new dwellings within settlement confines.
- 7.31 Therefore, on balance, it is considered that there is no reason to withhold Permission in Principle on the grounds of the amount of development. For clarity this assessment is mutually exclusive of the locational considerations concerning landscape. The proposal would therefore provide an acceptable amount of housing on the site and would accord with Policies R1, H1 and SS2 in this regard.

Other Matters

- 7.32 If this application was for planning permission rather than permission in principle, an additional reason for refusal would be attached concerning the absence of a signed legal undertaking. Without this, the Council could not be satisfied that the development would comprise genuine custom/self-build plots for occupation by individuals demonstrating a local connection and having ongoing involvement in the design and build process and the development would therefore conflict with Policies LH1 and LH5 of the South Northamptonshire Local Plan (Part 2). However, the Planning Practice Guidance is clear that legal agreements cannot be sought at permission in principle stage although they may be used in granting technical details consent. The application has therefore been assessed on the basis of the development being specifically referred to as 'custom/self-build' in the description, with the understanding that a legal agreement binding the development as custom/self-build would be sought as part of technical details consent. For the avoidance of doubt, the Council would refuse any subsequent technical details consent if such an agreement were not forthcoming.

8 FINANCIAL CONSIDERATIONS

- 8.1 This development would attract a Community Infrastructure Levy (CIL) payment under the Council's current CIL Charging Schedule. However, the charge would be calculated fully upon the submission of an application for Technical Details Consent.

9 PLANNING BALANCE AND CONCLUSION

- 9.1 Whilst concerns have been raised as part of the public consultation relating to highways safety, officers have taken into consideration other material considerations including the previous appeal decision and how the Planning Inspectorate determined such matters and are of the view that no new material information have been provided that would support officers taking a different approach to that of the Planning Inspectorate and that would indicate that permission should not be granted.
- 9.2 The proposed development is acceptable in terms of the proposed land use, location and amount of development. The proposal is therefore acceptable in principle because

it is in accordance with the Development Plan with no material considerations indicating permission should not be granted. Permission in principle should therefore be granted.

10 RECOMMENDATION AND CONDITIONS

- 10.1 To grant permission subject to informatives as set out below. It should be noted that no conditions or legal agreements may be attached to any planning permission in principle.

INFORMATIVES:-

1. Please note that the following will be required as part of an application at Technical Details Consent stage:
 - Access arrangements, including parking, turning, visibility splays and refuse collection details for the proposed dwellings
 - Layout and scale of the dwellings
 - Bin and cycle storage
 - Elevational treatment of dwellings including architectural detailing (eaves, verges, windows and doors) and materials
 - Landscaping, including boundary treatment
 - Foul and surface water drainage
 - Biodiversity mitigation and enhancement
 - Assessment of potential land contamination
 - Archaeological investigations on the site
 - A legal undertaking to confirm the first occupiers of the dwellings will have ongoing involvement in the design and build process and can demonstrate a local connection in accordance with Policy LH5 of the South Northamptonshire Part 2 Local Plan.

2. If this application was for planning permission rather than permission in principle, a refusal would be attached concerning the absence of a signed legal undertaking. Without this, the Council could not be satisfied that the development would comprise genuine custom/self-build plots for occupation by individuals demonstrating a local connection and having ongoing involvement in the design and build process and the development would therefore conflict with Policies LH1 and LH5 of the South Northamptonshire Local Plan (Part 2). However, the Planning Practice Guidance is clear that legal agreements cannot be sought at permission in principle stage although they may be used in granting technical details consent. The application has therefore been assessed on the basis of the development being specifically referred to as 'custom/self-build' in the description, with the understanding that a legal agreement binding the development as custom/self-build would be sought as part of technical details consent. For the avoidance of doubt, the Council would refuse technical details consent if such an agreement were not forthcoming.